

AMENDED PRELIMINARY SITE DEVELOPMENT AND USE PLAN

For the Planned Commercial District
At 125, 131 and 141 SPRING STREET,
(N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way),
LEXINGTON, MASSACHUSETTS
(the “Planned Commercial District”)

Article ___, 2009 Fall Special Town Meeting
Submitted: June 22, 2009

INTRODUCTION

This Amended Preliminary Site Development and Use Plan is prepared under the provisions of Sections 3.6.1, 3.6.2, 8.2 and 8.4 of the Zoning By-Law [Town of Lexington Code §§135-14, 135-42B and 135-42D].

This Amended Preliminary Site Development and Use Plan (the “Amended PSDUP”) is intended to make certain amendments to the original Preliminary Site Development and Use Plan (the “Original PSDUP”) for the Planned Development District approved by the May 2004 Town Meeting and for which a Definitive Site Development and Use Plan (“DSDUP”) was approved by the Town of Lexington Zoning Board of Appeals on January 24, 2008, which Decision was recorded with the Middlesex South Registry of Deeds at Book 51547, Page 271.

This Amended Preliminary Site Development and Use Plan relates to property historically known as the Raytheon Corporate Headquarters located at 125, 131 and 141 Spring Street (N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way) in Lexington on which presently exists a number of buildings occupied by Shire Human Genetic Therapies, Inc. (the “Property”). The Property is currently the site of office/research and development buildings comprising approximately 465,165 gross square feet and approved for 696,600 gross square feet pursuant to the DSDUP¹. The Property will be redeveloped, and in connection with such redevelopment, 445,000 square feet of new office/research space will be added from that shown on the Original PSDUP, or 380,000 square feet more than currently approved in the DSDUP. In addition 510,000 square feet of structured parking is proposed to be added to the Property for a total of 890,000 additional gross square feet.

This Amended PSDUP provides an understanding of the characteristics of the Property and adjoining land, submits a proposal consistent with those characteristics and demonstrates the feasibility of the proposed development along with an evaluation of the off-site impacts of the development and the ability of public services to accommodate the development.

This Preliminary Site Development and Use Plan is divided into the following sections:

¹ The Zoning Board of Appeals on January 24, 2008 by Special Permit increased the original 631,600 gross square footage by 65,000 square feet while maintaining the net square footage of 505,300 square feet.

- I. GENERAL. This section includes general information about the site and identifies the plans, exhibits and documents submitted herewith.
- II. TYPES OF USES PERMITTED. This section describes uses that are permitted within the proposed Planned Commercial District and uses that are permitted with the grant of a special permit in the proposed Planned Commercial District.
- III. DIMENSIONAL STANDARDS. This section describes the maximum allowed dimensional standards that would govern construction in the proposed Planned Commercial District.
- IV. OTHER ZONING PROVISIONS. This section describes other zoning provisions that would be applicable in the proposed Planned Commercial District, including requirements related to landscaping, transition and screening, off-street parking and loading, traffic, signs and lighting and illumination.
- V. TABLE OF DEVELOPMENT DATA. This section sets forth the table of development data for the conceptual layout of the Planned Commercial District. The final project layout is subject to the Dimensional Standards identified in Section III.
- VI. SPECIAL CONDITIONS. This section sets forth the proposed special conditions that would apply within the Planned Commercial District.

I. GENERAL

- A. **Location and Boundaries**: The Property included in this Planned Commercial District is commonly known as 125, 131 and 141 Spring Street, Lexington (N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way). The boundaries of the area which was rezoned to a Planned Commercial District in accordance with the Town of Lexington Town Meeting approval on May 2004, is included in the Amended PSDUP set shown as Sheet C1.1 Site Analysis Map. A metes and bounds description of the boundaries of the parcels comprising the area within the Planned Commercial District is attached as Appendix 4.
- B. **Plans, Exhibits and Documents**: The following plans, exhibits and other documents are part of this Preliminary Site Development and Use Plan.
 1. Plans

The Original Preliminary Site Development and Use Plans as approved by the Lexington Town Meeting on May 2004 have been superseded by the following Amended Preliminary Site Development and Use Plans:

<u>Sheet No.</u>	<u>Title - Prepared by</u>	<u>Most Recent Revision</u> <u>Date</u>
C1.1	Site Analysis Map	June 19, 2009
C1.2	Locus Context Map	June 19, 2009
C2.1	Property Rights and Dimensional Standards Plan A	June 19, 2009
C2.2	Property Rights and Dimensional Standards Plan B	June 19, 2009
C3.1	Site Construction and Utilities Plan A	June 19, 2009
C3.2	Site Construction and Utilities Plan B	June 19, 2009
C4.1	Landscape - Planting Plan A	June 19, 2009
C4.2	Landscape - Planting Plan B	June 19, 2009

2.	<u>List of Appendices</u>	<u>Most Recent Revision</u> <u>Date</u>
Appendix 1:	Traffic Study Prepared by Tetra Tech Rizzo	May 26, 2009
Appendix 2:	Site Utilities Narrative Prepared by SMMA	June 19, 2009
Appendix 3:	Fiscal Impact Analysis Prepared by Connery & Associates	February 23, 2009
Appendix 4:	Legal Description Prepared by SMMA	February, 2009
Appendix 5:	Locus Plan Prepared by SMMA	February 16, 2009
Appendix 6:	Conceptual Site Plan Prepared by SMMA	April 16, 2009
Appendix 7:	Conceptual Architectural Images Prepared by SMMA	April 23, 2009
Appendix 8:	Permitted Uses for Lexington Technology Park	June 22, 2009
Appendix 9:	Memorandum of Understanding Signed by Lexington Board of Selectmen and Patriot Partners	May 2009

C. Definitions:

Except as provided below, defined terms shall have the same meanings as in the Town of Lexington Zoning Bylaw as amended through June, 2009 (hereinafter the “2009 Zoning Bylaw”). The following terms shall have the following meanings in this Planned Commercial District and shall govern the Property:

- (1) Frontage. For purposes of these zoning provisions, “Frontage” shall also include the line adjacent to any internal site drive of any length approved by the Board of Appeals of the Town pursuant to any definitive site development and use plan issued in accordance with Section 135-14 of the 2009 Zoning By-Law.
- (2) Lot. A parcel of land used or set aside and available for use on the site of one or more buildings and buildings accessory thereto or for any definite purpose in one (1) ownership and may be divided by a street or way and shall include any land within the limits of a public or private way upon which such lot abuts. A lot for purposes of these zoning provisions may or may not coincide with a lot of record.

D. Miscellaneous:

In recognition of the intent and purpose of Article VIII, §135-42 of the 2009 Zoning By-Law which is to permit considerable flexibility in the development of individual tracts of land, in the event of: (I) any conflict between the provisions of these zoning provisions and the 2009 Zoning By-Law or any other by-law or regulation of the Town; or (ii) ambiguity under the these zoning provisions, such conflict or ambiguity shall be resolved or construed in a manner consistent with and to permit satisfaction of the development intent described in the Amended PSDUP.

II. TYPES OF USES PERMITTED

A. Permitted Uses

The permitted uses allowed “by-right” or by “Special Permit” in this Planned Commercial District are set forth in Appendix 8 “Permitted Uses and Development Standards for Lexington Technology Park”. In addition, uses allowed by Special Permit with Site Plan Review shall be granted by the Board of Appeals. The aforementioned use table shall govern all uses within “the Property” and shall supersede all uses allowable under previous filings. In the event that Town Meeting approves additional uses within the CRO District after the date of the filing of this Amended Preliminary Site Development and Use Plan which uses are not currently listed within Appendix 8, it may be allowed within this Planned Commercial District if permitted by Special Permit by the Board of Appeals.

III. DIMENSIONAL STANDARDS

The following dimensional standards shall apply to this Planned Commercial District in accordance with Article VIII, §135-42B of the 2009 Zoning By-Law

Maximum Gross Floor Area*	(a) 1,076,600 s.f. - Occupied Buildings (b) <u>510,000</u> s.f.- Garage Space Total 1,586,600 s.f.
Maximum Net Floor Area:*	806,555 s.f.
Maximum Floor Area Ratio (F.A.R.):*	0.24
Maximum % Site Coverage:*	25%
Maximum Height of Buildings: **	45 to 68 feet
Maximum Impervious Surface Ratio:*	35.7%
Minimum Yard Setback: ***	50.0 feet

* In this Planned Commercial District, any single lot may exceed one or more of the above dimensional standards, so long as all of the lots in the district, taken in the aggregate, do not exceed any of the above dimensional standards. Notwithstanding anything to the contrary contained in the Zoning By-Law, Net Floor Area shall exclude the square footage of parking structures.

** The maximum building height is 45 feet, except for the following areas denoted on the plan entitled “Conceptual Site Plan”, dated June 19, 2009, prepared by Symmes Maini & McKee Associates. The maximum height within the Building 400 Envelope is 54.5 feet, within the Building C and D Envelope is 68 feet. Structures erected (including enclosed space) on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photo-voltaic panels, elevator housings, antennas, wireless communication facilities that are permitted as provided in Section 15, skylights, cupolas, spires and the like may exceed the maximum height of the building in feet provided no part of the structure is more than 20.0 feet higher than the upper elevation of the building and the total horizontal coverage of such structures on the building does not exceed 50.0%.

*** The minimum yard setback shall only apply to yards along lot lines that coincide with the perimeter of the district (as opposed to yards along lot lines that are in the interior of the district, for which no specific yard setback shall be required).

Lot lines may be established pursuant to a subdivision plan to be filed in accordance with Massachusetts General Laws Chapter 41; Section 81K et seq. and these lot lines may be altered from time to time in accordance with the procedures of Section 81P of Chapter 41 of the Massachusetts General Laws for so-called “Approval Not Required Plans” and/or the applicable provisions of Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws for any subdivision of the CRO District.

The Plan entitled “Conceptual Site Plan” dated June 19, 2009 prepared by Symmes, Maini & McKee Associates (SMMA) submitted as part of this Amended PSDUP denotes certain development envelopes wherein proposed structures are to be located. The Owner/developer of the Property or any portion thereof shall be permitted to locate and relocate buildings and modify building footprints within these development envelopes shown on the aforementioned Amended

PSDUP subject to compliance with these zoning provisions and such relocations shall not be deemed a substantial deviation of this Amended PSDUP.

IV. OTHER ZONING PROVISIONS

A. Landscaping, Transition and Screening

The existing topography and vegetation on this Property provides a character that is of vital importance to the neighborhood, community and the Owner. The proposed project has been carefully designed to retain the scale and character of the site. Along the property lines abutting the existing residential properties on Shade Street the existing perimeter trees and plantings will be retained, where possible. Proposed plantings are intended to reinforce and complement the existing landscaping and provide a natural and proper setting for the new building(s). Plant materials will be evergreen and deciduous with ornamental plantings in the vicinity of the new building(s) and walkways. Plant materials will be sized to respond to and enhance the proposed building(s) and landscaping.

Landscape planting will be provided in general as shown on Sheet C4.1 Landscape Planting Plan A and Sheet C4.2 Landscape Planting Plan B. The Definitive Site Development and Use Plan to be presented to the Special Permit Granting Authority will provide greater detail.

B. Off-Street Parking and Loading

As shown on Sheet C2.1 of the Amended PSDUP, prepared by SMMA dated February 23, 2009, amended to June 19, 2009, the applicant has provided for 2,646 off-street parking spaces.

Off-street parking and loading in this Planned Commercial District shall be provided in compliance with the provisions of this Amended Preliminary Site Development and Use Plan unless otherwise noted herein:

1. Parking for all buildings (both existing and proposed) and both the office and research and development uses on the property shall be permitted in common parking lots as of right.
2. Parking spaces and loading bays in this Planned Commercial District existing as of this date are not required to comply with §§135-38, 135-67 and 135-68 of the 2009 Zoning By-Law regarding location, yards, screening, driveways and design standards, so long as they are not substantially altered from their presently existing state, except that parking spaces along a lot line that coincides with the perimeter of the district (as opposed to spaces along a lot line that are within the interior of the district) shall be required to comply with the ten-foot setback from a lot line provided for by §135-67 of the 2009 Zoning By-Law, and provided that any new parking spaces shall have a minimum width of 9 feet and a minimum depth of 18 feet. The Applicant/Developer may incorporate into any definitive site development and use plan no more than 33% compact car spaces on any individual lot or parking structure subject to the review and approval of the Zoning Board of Appeals.

3. There shall be no required setback from the side and rear lot lines under §135-67 of the 2009 Zoning By-Law in this Planned Commercial District for the paved parts of parking spaces, driveway or maneuvering aisles, and these features may extend up to the side and rear lot lines, except that parking spaces along a lot line that coincides with the perimeter of the district (as opposed to spaces along a lot line that is in the interior of the district) shall be required to comply with the ten-foot setback from a lot line provided for by §135-67 of the 2009 Zoning By-Law. In addition, the landscaping requirements of §135-68 of the Lexington Zoning By-Law shall not apply.
4. The Board of Appeals in connection with any Site Plan/Special Permit may waive the actual construction of required parking provided that such parking is held in reserve to be constructed upon a determination by the Board of Appeals that such parking is necessary. Notwithstanding the foregoing, the Owner/Developer of the Property or any portion thereof upon notice to the Zoning Board of Appeals shall be permitted to construct such reserved parking in accordance with plans approved by the Board of Appeals.

In the event that any lot in this Planned Commercial District is subdivided:

- (i) Parking spaces required for one lot may be located on a separate lot which may be in separate ownership, without a special permit so long as:
 - (a) all such spaces are for employees only, and not clientele; and
 - (b) an easement guaranteeing long-term use of such spaces, and satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County.
- (ii) A driveway on one lot may lead to a parking space or loading bay on another lot, or straddle the lot line and serve a parking space or loading bay on two or more lots without a special permit so long as a binding agreement, satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County prior to the issuance of a certificate of occupancy for the affected building(s).

Landscaping and screening shall be as shown on Sheets C4.1 and C4.2 of the Preliminary Site Development and Use Plan.

The requirements of Sections §135-68(B)(5) and §135-68(C) of the 2009 Zoning Bylaws shall apply in order to provide a circulation system of the lot “so that all vehicles may exit from and enter onto a public street by being driven in a forward direction” and to regulate the amount of Compact Parking Spaces on the Property.

The required parking ratios for all permitted uses within the Property shall be as follows. For any use not specifically listed below, the parking ratio in the 2009 Zoning Bylaw shall apply:

TYPE OF USE	PARKING FACTOR <i>(minimum number of parking spaces to be provided)</i>
INSTITUTIONAL, EDUCATIONAL & RECREATIONAL USES	
College, technical school	As Needed
Day-care center, school age child care program, nursery school, kindergarten	1 per 500 s.f.
Lodge, community service center	1 per each 6 seats in the largest assembly area
Gymnasium, stadium, field house	1 per each 6 seats
Parks, athletic fields, tennis and pool facilities, golf courses, recreation centers, other institutional uses	As Needed
OFFICE USES	
All permitted Office uses (except as otherwise classified)	1 per 333 s.f.
Medical office, out-patient clinic	1 per 200 s.f.
PERSONAL BUSINESS USE	
Personal services, bank, business services, retail sales, and rental uses	1 per 250 s.f.
MANUFACTURING, RESEARCH USES	
Manufacturing, research laboratory	1 per 500 s.f.
Construction, storage, distribution and industrial service users	1 per 1,000 s.f.
All other permitted uses	As needed, usually 1 per employee

C. Traffic

The mitigating measures and cost sharing formulas concerning traffic described in Appendix 9 of this Amended Preliminary Site Development and Use Plan, address the requirements of Article XII, §§135-71 thru 135-73 of the 2009 Zoning Bylaw.

D. Signs

Signs are permitted in compliance with Article XIII, §§135-74 thru 134-78 of the 2009 Zoning By-Law. Any pre-existing sign as of the date of this amendment shall be deemed conforming.

E. Lighting and Illumination

Exterior lighting and hours of operation shall comply with the applicable by-laws and regulations of the Town of Lexington.

V. TABLE OF DEVELOPMENT DATA (As defined on Page 2 of this document)

A.	Total land area:	4,164,597 s.f. (95.6 acres)
B.	Area of vegetated wetland:	803,950 s.f.
C.	Developable site area:	3,360,647 s.f.
D.	Site Coverage of Buildings	12%
E.	Total proposed impervious surface area:	1,200,000 s.f.
F.	Impervious surface ratio:	35.7%
G.	Proposed total gross floor area:	(a) 1,071,270 s.f. Occupied Building (b) 504,460 s.f. Garage Space Total 1,575,730 s.f.
H.	Proposed net floor area:	806,555 s.f.
I.	Floor area ratio:	0.24
J.	Total number of off-street parking spaces:	2646*
K.	Number of loading bays:	18

* Includes 181 reserve parking spaces (See note on Preliminary Site Development and Use Plans).

VI. SPECIAL CONDITIONS

The following special conditions shall apply in this Planned Commercial District:

- A.** Applicable Zoning By-Law: The land and development in this Planned Commercial District are subject to the provisions of the 2009 Zoning By-Law of the Town of Lexington Code only for the specific uses and provisions as noted herein.
- B.** Transfer: Any sale or transfer of rights and interests in the property in this Planned Commercial District shall include a condition that successors and assigns are bound to the terms and conditions of this Preliminary Site Development and Use Plan and of any Special Permit with Site Plan Review (SPS) or other Special Permit granted by the Board of Appeals for this zoning district.
- C.** Traffic and Transportation Demand Management: A Traffic Demand Management Plan is detailed in Appendixes 1 and 9.

- D.** Traffic Mitigation: A Traffic Mitigation Plan is included in Appendix 9.
- E.** Conservation Restriction: The Owner of the Property shall preserve those portions so noted on Plans Sheets C2.1 and C2.2 as “Conservation Restriction Area” as open and non-developed (except for required infrastructure i.e., roads, utilities) and/or the Owner may elect to grant to the Conservation Commission of the Town of Lexington a Conservation Restriction pursuant to Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 for that area designated as “Conservation Area” as shown on the Plan. The Owner shall submit any proposed Conservation Restriction for state and local approval. If approved, the Conservation Restriction shall be recorded with the Middlesex South Registry of Deeds.
- F.** Grant Application Assistance: The Applicant shall also cooperate with and support the Town in its application(s) to obtain grant financing or public monies for public infrastructure improvements in South Lexington (including those listed above), which may include applications to the Massachusetts Opportunity Relocation and Expansion (MORE) Program, Public Works and Economic Development (PWED) Program, Infrastructure Investment Incentive (I-Cubed) Program, and other programs offered by the Commonwealth.
- G.** Landscaping Buffer: In order to reduce visual impacts on the abutters to Building 600 and its associated garage, the Applicant shall construct an earthen berm with vegetated screening adjacent to structures constructed on Lot 5 of the Property and oriented toward these abutters. The proposed vegetated screening shall substantially reduce residential views of said structures to the extent reasonably possible. The design specifications of the proposed berm, grading and planting schedule (“Berm Design Plan”) shall be submitted as part of any definitive site development and use plan application for the development of Building 600 and its associated parking garage. The final Berm Design Plan shall be incorporated into any final definitive site development and use plan decision issued by the Zoning Board of Appeals.
- H.** Open Space and Trails: The Applicant shall work with the Lexington Conservation Commission and Shade Street residents directly abutting the Property to design a series of nature trails for pedestrian related activities within the Conservation Restriction Area “A”. This obligation shall be subject to the security requirements of any tenant(s) of the Property. The trails created as a result of this condition shall be built and maintained by the Town.
- I.** Sustainable Design and Construction: The Applicant shall use its best efforts to develop the Property in accordance with the “Silver Standard” of The Leadership in Energy and Environmental Design (LEED) Green Building System subject in all instances to the requirements and limitations of any tenants.